

Amendments to the Claims:

A detailed listing of all the claims that are, or were, in the application is presented below. Current amendments to the claims, including additions being shown by underlining and deletions being shown by strikethrough or double brackets, are expressed in the listing.

1. (Original) A waterborne coating composition comprising an aqueous dispersion of:
 - a) polyurethane resin particles,
 - b) epoxy resin particles, and
 - c) polyvinyl chloride resin particles.
2. (Original) The composition of claim 1, further comprising an aminoplast resin.
3. (Original) The composition of claim 2, wherein the aminoplast resin is a melamine.
4. (Original) The composition of claim 1, further comprising one or more acidic curing agents.
5. (Currently Amended) The composition of claim [[4]] 1, wherein at least the composition further comprises a first and a second curing agent ~~are used~~, [[and]] wherein the first curing agent promotes curing at a first temperature, and wherein the second curing agent promotes curing at a second temperature.
6. (Original) The composition of claim 5, wherein the first temperature and the second temperature differ by at least 25°C.

7. (Currently Amended) The composition of claim 1, wherein at least one of the polyurethane resin, epoxy resin and polyvinyl chloride resin ~~includes one or more~~ ~~comprises a functional groups group reactive with an epoxy groups group~~ in the presence of an acid catalyst under conditions of elevated temperature.

8. (Currently Amended) The composition of claim 7, wherein the functional ~~groups comprises group comprises an hydroxy groups group~~.

9. (Currently Amended) A waterborne coating composition comprising:

- a) an epoxy dispersion,
- b) a polyurethane dispersion,
- c) a vinyl dispersion,
- d) a first curing agent,
- e) a second curing agent, and
- f) a melamine crosslinker,

wherein the epoxy dispersion is 0%-30%, the polyurethane dispersion is 0%35%, the vinyl dispersion is 4%-60%, the first curing agent is 0.01%3%, the second curing agent is 0.01%3%, and the melamine crosslinker is 3.5%-9.1% by weight of the composition.

10. (Currently Amended) The composition of claim 9, wherein the epoxy dispersion is 14%30% by weight of the composition.

11. (Currently Amended) The composition of claim 9, wherein the vinyl resin is 4%40% by weight of the composition.

12. (Original) The composition of claim 9, wherein the aminoplast is a melamine.

13. (Withdrawn) A surface covering comprising a resilient support layer and a top coat layer formed from the composition of claim 1.

14. (Withdrawn) The surface covering of claim 13, wherein the resilient support layer comprises a felt or polymeric support layer.

15. (Withdrawn - Currently Amended) The surface covering of claim 13, further comprising a hot-melt calendered layer.

16. (Withdrawn - Currently Amended) The surface covering of claim 13, further comprising a foamed layer.

17. (Withdrawn) The surface covering of claim 16, wherein the foamed layer is chemically embossed.

18. (Withdrawn) The surface covering of claim 17, wherein the chemical embossing is in register with a printed pattern disposed on a layer adjacent to the foamed layer.

19. (Withdrawn - Currently Amended) The surface covering of claim 13, further comprising a wear layer.

20. (Withdrawn) The surface covering of claim 13, wherein the surface covering is a floor covering.

21. (Withdrawn) A method of forming a surface covering comprising:

- a) applying the composition of claim 1 to a resilient support layer or a layer directly or indirectly overlying a resilient support layer,
- b) heating the layer to a sufficient temperature to drive off the majority of the water, and
- c) heating the layer to a sufficient temperature to cure the composition.

22. (Withdrawn - Currently Amended) The method of claim 21, wherein a foamable layer directly or indirectly overlies the resilient support layer, and the foamable layer is cured while the composition ~~of claim 1~~ is cured.

23. (Withdrawn - Currently Amended) The method of claim [[21]] 22, wherein the foamable layer is adjacent to a print layer that includes a component selected from the group consisting of foaming agents, foaming inhibitors, and/or foaming promoters and combinations thereof, such that the foamable layer is chemically embossed when foamed.

REMARKS/ARGUMENTS

Claims 1 to 23 remain in this application. Claims 5, 7 to 11, 15, 16, 22 and 23 have been amended. Claims 13 to 23 have been withdrawn.

The Examiner has issued an election/restriction requirement in the above-identified Office Action between Group I, claims 1 to 12; Group II, claims 13, 15 to 20; Group III, claim 14; and Group IV, claims 21 to 23. Pursuant to the restriction/election requirement, Applicants hereby elect the invention as claimed in Group I, claims 1 to 12, with traverse.

The Examiner has taken the position that the inventions of Group I and Groups [II & III] are mutually exclusive species in an intermediate-final product relationship. She states that the intermediate product is deemed to be useful as a curable coating for wall laminates. The final product of claims 13 to 20 is a surface covering, which includes the Examiner's proposed wall laminates. See page 7, lines 21 and 22, of the specification, for example, where the statement is made "Virtually any surface covering substrate can be coated with the coating compositions described herein." Further, see page 3, line 27, where the statement is made that the "coating composition can be applied to virtually any surface."

Still further, the major competitors in the flooring industry include wall coverings as surfaces coverings. See, for example, column 1, lines 16 to 20, of Shalov et al. USPN 5,830,937 that is assigned to Congoleum Corporation; column 2, lines 36 to 42, of Gauthier et al. USPN 6,461,689 that is assigned to Domco Tarkett, Inc.; column 1, lines 23 and 24, of Chen et al. USPN 6, 555,216 that is assigned to Mannington Mills, Inc.; and column 4, lines 2 and 3, of Buckwalter et al. USPN 6,586,066 that is assigned to

AWI Licensing Company (a subsidiary of Armstrong World Industries, Inc.). Therefore, the restriction requirement between Group I and Groups [II & III] must be withdrawn.

The Examiner has also taken the position that the inventions of Group IV and Groups [II & III] are related as process of making and product made, stating that the process can also be used to make a wall laminate material. As discussed above, the proposed wall laminate falls with the scope of Groups [II & III]. Therefore the restriction requirement between Group IV and Groups [II & III] must be withdrawn.

The Examiner has failed to justify a restriction between Groups [II & III], and in fact, groups them together throughout the Office Action. Therefore, the restriction requirement between Groups [II & III] is improper and must be withdrawn.

Further the claims of Groups II, III and IV all depend directly or indirectly on claim 1. Therefore, the claims of Groups II, III and IV must be allowed, if claim 1 is found to be allowable.

The claims have been amended to improve definiteness. The product by process limitation of claim 5 has been eliminated. Claim 22 has been amended to remove the double dependency.

Applicants submit that the restriction requirement was improper, that all of the claims should be examined, and that all of the claims are in a condition for allowance. Therefore, early consideration and allowance are respectfully requested.

Respectfully submitted,

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Date

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